

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 SECURITIES AND EXCHANGE
12 COMMISSION,

13 Plaintiff,

14 v.

15 JOHN V. BIVONA; SADDLE
16 RIVER ADVISORS, LLC; SRA
17 MANAGEMENT ASSOCIATES,
18 LLC; FRANK GREGORY
19 MAZZOLA,

20 Defendants, and

21 SRA I LLC; SRA II LLC; SRA III
22 LLC; FELIX INVESTMENTS, LLC;
23 MICHELE J. MAZZOLA; ANNE
24 BIVONA; CLEAR SAILING
25 GROUP IV LLC; CLEAR SAILING
26 GROUP V LLC,

27 Relief Defendants.

Case No. 3:16-cv-01386-EMC

~~PROPOSED~~ ORDER APPROVING FIFTH
INTERIM ADMINISTRATIVE MOTION
FOR AN ORDER PURSUANT TO LOCAL
RULE 7-11 FOR THE APPROVAL OF
FEES AND EXPENSES FOR THE
SUCCESSOR RECEIVER, DIAMOND
MCCARTHY LLP, MILLER KAPLAN
ARASE LLP, AND SCHINNER & SHAIN
LLP FROM JANUARY 1, 2020 THROUGH
MARCH 30, 2020.

Date: No Hearing Set
Time: No Hearing Set
Judge: Edward M. Chen

28 The successor receiver in this matter appointed pursuant to the Court's Revised Order
Appointing Receiver (the "Receiver Order") (Dkt. No. 469), Kathy Bazoian Phelps (the
"Receiver"), requests that the Court grant the *Fifth Interim Administrative Motion for an Order
Pursuant to Local Rule 7-11 for the Approval of Fees and Expenses for the Successor Receiver,
Diamond McCarthy LLP, and Schinner & Shain, LLP from January 1, 2020 through March 30,*

1 2020 (“Motion”).

2 The Motion is supported by the Declaration of the Receiver, in which she states that the
3 fees and expenses requested by the Receiver are true and correct, the Motion complies with the
4 Billing Instructions for Receivers in Civil Actions Commenced by the U.S. Securities and
5 Exchange Commission, and that that the fees charged are reasonable, necessary, and
6 commensurate with the skills and experience required for the activities performed.

7 The Motion is also supported by the Declaration of general counsel for the Receiver
8 Christopher D. Sullivan of the firm Diamond McCarthy LLP (“Diamond McCarthy”). In his
9 declaration, Mr. Sullivan states that the fees and expenses requested by Diamond McCarthy are
10 true and correct and that the fees charged by Diamond McCarthy are reasonable, necessary, and
11 commensurate with the skills and experience required for the activities performed. Additionally,
12 the Motion is supported by the Declarations of Frederick Koenen of Schinner & Shain, LLP
13 (“Schinner”), securities counsel for the Receiver, in which they provide that the respective fees
14 and expenses requested are true and correct, the fees charged are reasonable, necessary, and
15 commensurate with the skill and experience required.

16 The Receiver has also represented that she has conferred with counsel for the Securities
17 and Exchange Commission, and counsel for the SRA Investor Group, who have each confirmed
18 that they do not oppose the Motion.

19 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that:

- 20 1. The Motion is GRANTED;
- 21 2. The Receiver’s fees in the amount of \$75,058.00 and reimbursement of expenses
22 in the amount of \$145.00 for services rendered and costs incurred from January 1, 2020 to March
23 30, 2020 (“Motion Period”) are approved;
- 24 3. The Receiver is authorized to pay from assets of the receivership estate \$145.00
25 for reimbursement of costs approved and \$60,046.80 of the fees approved. The sum of
26 \$15,011.20 of the approved fees shall be held back as the agreed 20% hold back subject to further
27 Court approval.
- 28 4. Diamond McCarthy’s fees in the amount of \$32,454.00 and reimbursement of

1 expenses in the amount of \$169.43 for services rendered and costs incurred during the Motion
2 Period are approved;

3 5. The Receiver is authorized to pay from assets of the receivership estate \$169.43
4 for reimbursement of costs approved and \$25,963.20 of the fees approved. The sum of \$6,490.80
5 of the approved fees shall be held back as the agreed 20% hold back subject to further Court
6 approval;

7 6. Schinner's fees in the amount of \$2,450.00 and reimbursement of expenses in the
8 amount of \$622.06 for services rendered during the Motion Period are approved. The Receiver is
9 authorized to pay Schinner \$622.06 in costs and the sum of \$2,450 for services rendered from the
10 assets of the receivership estate.

11
12
13 Dated: June 23, 2020



Honorable Edward M. Chen
United States District Court